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Report Title

Repression, Civil Conflict and Leadership Tenure: The Thai Case study

ABSTRACT

The global press tells the story of Thailand as dialectic--a power struggle between two groups, the Red Shirts and Yellow Shirts, who have been at odds for years. The Yellow Shirts represent traditional elites (from business, government and the military) who live in or immediately outside of Bangkok and have benefited from longstanding policies designed to promote the region's economic growth. The Red Shirts include people living outside of Bangkok who come from rural areas and were ignored by government. However, former Prime Minister Thaksin Shinawatra and his sister, former Prime Minister Yingluck Shinawatra, redirected incentives from Bangkok towards regional economic development and tried to move the state to be more responsive to the needy and others. But this story of two competing groups is not the full story: it is in fact a tale of democracy gone amuck. The military seized power in both 2006 and 2014, arguing that military rule was the only way to maintain Thailand's stability. However, even that story is a bit incomplete; the army also acted to preserve the privileged role of both the monarchy and the military in government under the guise of "saving democracy." The Thai army has maintained control mainly through political repression and military officials often act with impunity. While violence is rare, the coup leaders have at times used violent means to maintain control and forestall further protest. Thailand does not have a democratic, accountable political system that follows the rule of law. Thai citizens cannot express their views on their government or the monarchy and many Thai citizens fear democracy. Moreover, although the economy is relatively modern and diversified, Thailand does not have effective educational system or economic strategies that can move the economy into the digital age. Although many Thais would like to see Thailand become more democratic, they prefer the stability provided by the coup and distrust elected officials. Most people simply want to go about their lives and ignore politics. Moreover, the Thai people have long lived with political repression. Even before the 2006 coup, the Thai government used the lese majeste law (the law requiring citizens to respect and protect the monarchy) to repress political opinions on and off line. Thus, Thailand is a complicated and interesting country to explore the repression, civil conflict leadership tenure relationship.



REPRESSION,CIVIL CONFLICT AND LEADERSHIP TENURE; THE THAI CASE STUDY: 2006- 2014

THAI CASE STUDY

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Executive Summary

The global press tells the story of Thailand as dialectic--a power struggle between two groups, the Red Shirts and Yellow Shirts, who have been at odds for years. The Yellow Shirts represent traditional elites (from business, government and the military) who live in or immediately outside of Bangkok and have benefited from longstanding policies designed to promote the region's economic growth. The Red Shirts include people living outside of Bangkok who come from rural areas and were ignored by government. However, former Prime Minister Thaksin Shinawatra and his sister, former Prime Minister Yingluck Shinawatra, redirected incentives from Bangkok towards regional economic development and tried to move the state to be more responsive to the needy.

But this story of two competing groups is not the full story: it is in fact a tale of democracy gone amuck. The military seized power in both 2006 and 2014, arguing that military rule was the only way to maintain Thailand's stability (Einhorn: 2014; BBC 5/22/2014). However, even that story is a bit incomplete; the army also acted to preserve the privileged role of both the monarchy and the military in government under the guise of "saving democracy." But the Thai military have an unusual vision of democracy. While the military quickly ceded control in 2006, in 2014 the Army seemed determined to ensure that when democracy returned, it would be overseen by the military. And the Army has not been a benign overseer of Thailand. The Thai army has maintained control mainly through political repression and military officials often act with impunity. While violence is rare, the coup leaders have at times used violent means to maintain control and forestall further protest (FIDH: 2015; Sifton: 2014).

Moreover, the story of two competing groups does not reveal the surreal and complicated nuances of Thailand today. On one hand, the country is known as the land of a thousand smiles. In 2015, Bloomberg reported that the Thai people are among the happiest people in the world. Thailand also has among the lowest unemployment rates in the world (Yuvejwattana: February 2015 and Michelle Jamrisko, et al. March 2015). On the other hand, Thailand is deeply divided. Thailand has experienced 12 coups since 1932 and the military has governed Thailand for 55 of the 83 years since the King ended absolute monarchy. Thailand does not have a democratic, accountable political system that follows the rule of law. Thai citizens cannot express their views on their government or the monarchy and many Thai citizens fear democracy. Moreover, although the economy is relatively modern and diversified, Thailand does not have effective educational system or economic strategies that can move the economy into the digital age. The coup has stifled investment and growth (Crisis Group: 2014, Sixer 2012). The Thai people, their political and economic system, and the modern world are out of sync.

In 2006 as in 2014, the Thai Army promised that both coups would be temporary: The Army said it would restore civilian rule after implementing political and electoral reforms designed to ensure the power of traditional elites in the military, monarchy, and business. Nevertheless, the 2014 coup leaders are moving slowly. In August 2014, some three months after the coup, the Thai Parliament approved an interim constitution and appointed General Prayuth, the coup leader as Thailand's prime minister. The Army then appointed a legislative body (Amnesty International: 2014; Bureau of Democracy, Human Rights and Labor (DRL), 2014). Gen. Prayuth promised that general elections would be held around October 2015 after an appointed reform council and drafting committee finalized a long-term constitution.

Although many Thais would like to see Thailand become more democratic, they prefer the stability provided by the coup and distrust elected officials. Whether they support the Yellow or the Red Shirts, the public has seen both sides engage in repression, vote buying, election rigging, violence and even politically motivated murder (Saxer 2012, 9; Unaldi: 2014). Most people simply want to go about their lives and ignore politics (Interview with Wheeler: 2014). Moreover, the Thai people have long lived with political repression. Even before the 2006 coup, the Thai government used the lese majeste law (the law requiring citizens to respect and protect the monarchy) to repress political opinions on and off line (US Department of State: 2013; Human Rights Watch 2014). Thus, Thailand is a complicated and interesting country to explore the repression, civil conflict leadership tenure relationship.

Q1. Do Thai citizens respond differently when confronted with political repression, violent repression or a mix of repressive tactics?

In 2006, Thais used both peaceful and violent protests to push for change. The coup leaders responded with both political and violent repression. In 2014, both the Red and Yellow shirts used both peaceful and violent protests (although some protestors may have responded with violence in the wake of violent actions by the Army and/or Red Shirts). Since the coup, the regime has relied on political repression. While some continue protests, most Thais have accepted the coup and political repression. The bulk of protestors have stopped protesting. However, if the economy continues to stagnate, the Thai people may again take to the streets. Public revulsion at violent protests and violent repression has made violence a strategy of last resort both for the protestors and the regime.

Q2. Do officials use different types of repression in response to different types of civil conflict?

Yes. The Army generally uses political repression but at times has employed violence, killing both violent and peaceful protestors. The Army argues that it intervenes to prevent more violence and instability. The armed forces also censor the Internet making it hard for individuals to organize or dissent online. The Thai Army has learned from experience that violent repression can backfire, and hence they tend to use a wide range of political repression tools. They have not moved to clarify lese majeste, which allows them to stop almost all kinds of protest, in the interest of protecting the monarchy and preserving stability.

Q3. Does the use, and type of repression (whether political, violent or some combination) increase the likelihood that rulers retain power?

Throughout the 20th century to the current coup, the Army has relied on political repression to control the levers of government, maintain its close relationship with the monarchy and to keep the monarchy in power. However, the military has used violent repression to kill or make protestors “disappear.” Violent repression has led to public revulsion, so the Army has learned to rely generally on political repression. The Thai public appears willing to accept political repression because it maintains stability, but they may not remain quiet if the economy continues to stagnate. Moreover, the army’s use of repression may undermine the effectiveness and popularity of the coup. Some analysts believe that the Army’s reliance on lese majeste prevents a much needed debate about how to govern Thailand—a catch 22. Without that debate, Thailand cannot develop an effective political and economic system that can manage the challenges—from terrorism to Internet led economic growth—for the 21st century. Moreover, it may undermine the effectiveness of the Army as a fighting force, as the Army spends much of its time policing Thailand and protecting its privileged relationship with the monarchy.

Thai Case study: 2006-2014

The case study proceeds as follows. First we give an overview and recent history of Thailand. We next describe the civil conflict/repression relationship in Thailand focusing on the two most recent incidents of repression and civil conflict in 2006-2008 and 2010-present. We describe the repressors, and then examine the underlying factors which may cause people to protest in Thailand. Next, we focus on the nature of repression in Thailand (types and victims) as well as the Thai people's response to repression. We next discuss the economic and political consequences of Thai repression at home and abroad. We then discuss the likelihood of continued repression in Thailand. Finally, by focusing on our three questions, we note the key points revealed by the Thai case study.

I. Thailand Overview and Recent History

Thailand is a constitutional monarchy; it has been ruled by the same King for over fifty years. The King is widely beloved and the Thai people perceive the King as a hard working “father” who supports, advises or prevents misfortune (Coorey: 2010, p. 3). However, the King is 87 years old, in frail health and some Thais fear his son is less capable. Many people fear that when the King dies, the country could become unstable. Public concerns about the royal transition were mounting at the same time that Thai political groups were protesting. The Yellow Shirts wanted Prime Minister Yingluck Shinawatra to resign. The Red Shirts were protesting the Yellow Shirt demands and then her removal as Prime Minister.

The Red Shirt movement began as supporters of deposed former Prime Minister Thaksin Shinawatra, who was ousted by a military coup in September 2006. Many of his supporters then joined the Pheu Thai party led by his sister, Yingluck Shinawatra, who was ousted in the latest coup in 2014. Members of this party include rural workers from outside Bangkok, students, left-wing activists and some business people who see attempts by the urban and military elite to control Thai politics as a threat to democracy. Meanwhile, the Yellow Shirts represent those opposed to Mr. Thaksin Shinawatra. The Yellow Shirts organized the street protests that both foreshadowed and led to the 2006 and 2014 coup. The yellow shirts include individuals who want the monarchy to take greater control as well as members of the urban middle class who have benefited from government largesse.

Some analysts assert that Thailand does not fit conventional visions of a repressive state because the people appear relatively content despite a long history of repression and upheaval. Many Thais accepted the recent coup because they believe that the Army acted to preserve social stability on behalf of the King. The King is beloved, and the Army serves the king and supposedly acts with his blessing. Moreover, many Thais were sick of the Red Shirt/Yellow Shirt tug of war. But the tug of war between Yellow and Red Shirts or between regions is not the only divide. Thailand's civil conflict is rooted in economic, political and social inequality among the Thai people and the inability of the state to reform from a deferential and patronage-based society favoring traditional elites to a meritocracy providing equality of opportunity.

From 2010 to the present, Thailand has had 5 elections, 4 constitutions, and 8 different heads of government (Farrelly Interview: 2014). No other nation has had as many coups coupled with free elections.

Some scholars believe that Thailand is inherently unstable; its people and institutions have not figured out how to accept the will of the majority and reduce the power of traditional elites (Lynch: 2014). As example Nicholas Farrelly asserts that Thailand has a coup culture, making it, in his opinion, truly unique (Farrelly Interview: 2014).

For much of the country's modern history, the Thai government focused attention on the area around Bangkok. This region modernized and diversified, developing a sizeable middle class centered in Bangkok. However, the monarchy and the bureaucracy often ignored the rest of the country, which remained both poorer and less diversified. In the late 20th century, a Thai billionaire, Thaksin Shinawatra, ran for Prime Minister promising to focus greater attention on these regions. In 2001, 2005, and 2006, the majority of Thais voted for Thaksin and his Thai Rak Thai party. Traditional elites saw his efforts as a covert means of usurping the traditional role of the monarchy (Bunyavejchewin: 2011) and they protested his administration. After both peaceful and violent protests, the military again took power again in 2006. In 2007, the military accepted democratic elections. However, after it became clear that Thaksin's party would again win, traditional elites were able to subvert the democratic process and put into place a new Prime Minister, Abhisit Vejjajiva, who promised to protect their power and preserve longstanding policies.

However, Abhisit's administration became increasingly repressive. The new regime blocked some 50,000 web sites, shut down the opposition's satellite television station, and incarcerated many Red Shirt protestors. After Red Shirt supporters challenged the authority and legitimacy of Abhisit's regime, Abhisit called for military intervention and suspended constitutional freedoms by invoking the Internal Security Act and the Emergency Decree. The pro-Thaksin camp and anti-coup protestors responded with a massive protest calling for democracy. From March to May 2010, the government tried to clear out Red Shirt demonstrators with live ammunition, killing some 90 protestors. The Thai public responded negatively to violent repression, as did many of Thailand's allies in Europe, Asia and North America. In the wake of public dissatisfaction with Abhisit, the regime allowed general elections (Bunyavejchewin: 2011; Amsterdam and Peroff, 2011).

In 2011, Yingluck Shinawatra and her political party ran against the Abhisit government and won decisively. Yingluck Shinawatra spent three contentious years as the Prime Minister. Yellow Shirt protestors constantly challenged her leadership, alleging that she was corrupt and distorted policies to favor poor rural areas over Bangkok and other regions. Yellow shirt sympathizers felt threatened by her government's efforts to diversify economic growth and did not see the process as fair. The Yellow Shirt protests became violent in November 2013, after the lower house of Parliament passed a controversial amnesty bill which opponents alleged allowed Mr. Thaksin to return from exile without serving time in jail. The situation deteriorated further in February 2014. The Supreme Court removed Yingluck from her position as prime minister, saying she had acted illegally by moving her national security chief to another position. Individuals opposed to her government took to the streets, as did supporters of Yingluck who disagreed with the decision to remove her from office. Yingluck was succeeded by her commerce minister. Meanwhile, 27 people were killed in violent and nonviolent protests in the months from November-May (BBC News: 5/22/2014). In 2014, as well as in 2006 and 2010, *civil conflict inspired state repression*.

II. How does Civil Conflict affect Repression and vice versa?

On May 20, 2014, after months of protests, Thailand's army took power and used both political and violent means to restore order. The military justified its actions by saying that it aimed “to ensure a prompt return to normalcy... harmony and unity among Thai citizens.” The military also took total control of the legislative and executive branches of government. The army set up the National Council for Peace and Order (NCPO, as well as a military controlled legislature; these two new military controlled government bodies were endorsed by the king on July 22, 2014. The NCPO also abrogated almost all of the 2007 constitution, implemented restrictions on freedom of expression, blocking and shutting down websites and radio stations, and censoring the Internet. In addition, the new government banned gatherings of more than 5 people and arrested individuals for peaceful protests because such gatherings could lead to violence. In the months that followed, the military installed legislative body adopted an interim Constitution which gave the NCPO “the power to order, suspend or act as deemed necessary for the benefits of the reforms, the unity and reconciliation of people in the country, or to prevent, suspend or suppress any actions that will destroy the peace and order, the national security and Monarchy, the country’s economy or the country’s governance” (Amnesty International: 2014; 9-12, quotation p. 10). The junta announced that the public will probably not be able to vote on this new constitution. (Prachatai English: 4/30/2015).

In late February 2015, a 36-member committee picked by the junta announced that the new constitution will include a new method of choosing the country's leaders and lawmakers. They stated that Thailand's new 200-member Senate will not be elected directly by voters, and the prime minister will no longer have to be an elected lawmaker. Senators will be chosen from pools of candidates, including former premiers, ex-military leaders and representatives of different professions. These senators can only serve one six-year term. In contrast, under the last constitution, half of the 150-member Senate was directly elected and the rest appointed (Doksone: 2/25/2015).

On April 1 2015, the junta officially ended martial law. However, the junta also put in place a new order: [NCPO Order 3/2558](#) which gives the new NCPO the power to respond to any act which undermines public peace and order or national security, the Monarchy, national economics or administration of State affairs – whether internal or external, or regardless of executive, legislative or judicial basis. The order retains most of the military powers under martial law, including access, search, freezing, and/or seizure of property; as well as summons, detention, arrest, and ‘support’ of persons related to the enforcement. The order retains the power to prohibit political gatherings of more than five persons and of publication or material likely to cause public alarm or containing false information (Prachatai English: 4/03/2015).

Although martial law has been officially lifted, the military continues to control the government and to use political and violent repression against the Thai people. The army has detained hundreds of civilians under martial law and tried many in military courts in Bangkok and other provinces-- a violation of international law. Those held have been denied access to lawyers and family members. The NCPO has disregarded and refused to seriously investigate detainees' allegations of torture and ill-treatment (Human Rights Watch: Feb 2015). In the face of these restrictions, most of Thailand's protestors stopped protesting.

Dunn and Bradstreet concluded that the army will do whatever is necessary to maintain its control and the appearance of consent from the broader public and business (Dunn and Bradstreet: 2014). *But the military recognizes that violent repression should rarely be used. The military will use violent repression when necessary but has learned it can rely on political repression to prevent civil conflict.* The Crisis Group predicted that the military rulers are determined not to repeat the mistakes of the 2006 coup where they let democracy protestors set the rules. In 2014, they decided they would set the rules and circumscribed the power of elected officials and the reach of democracy in Thailand (Crisis Group: 2014, 36).

As a result of the 2014 coup, Thailand is now stable; citizens are no longer protesting in the streets. However, the junta has not addressed the sources of further civil conflict. Thailand's military rulers have not addressed the country's fundamental problems including corruption, inadequate governance, patronage relationships, uneven economic development, and anxiety about who will run the country after the current monarch dies (Hawley: 2015; Wooldridge: 2010; Streckfuss: 2013).

III. Who are the Repressors?

The repressors in Thailand are senior leaders of the Army and political figures who are closely tied to the monarchy. Senior political figures are often Army-backed or former military officials, especially retired generals (Farrelly: 2011 and 2013). In fact, the military may engage in coups to guarantee its power and funding. Nicholas Farrelly, an authority on the Thai military, asserts that the military engages in coups to make sure it has sufficient funding (Interview with Farrelly: 2014). However, it is important to note the military is divided. Young conscripts often feel closer ties to the people of their region than of their unit. Military leaders are well aware of this and have tried to coopt them by inculcating new soldiers with the Army's ideology and actively encouraging conscripts to reap the benefits of the patronage-based Thai system (Ungpakorn: 2010).

The patronage system may undermine both the power of the Army and its effectiveness. The International Crisis Group reports that the army is increasingly politicized because loyalty trumps merits in promotions. Some believe the Army is deeply divided. For example, the Army was afraid that some of its Bangkok units would not crack down on the pro-Thaksin forces (the Red Shirts). Moreover, the senior coup figures come from only one branch of the Army—the Queen's Guard. Some assert that the Queen's Guard acted to maintain military power, fearing other regiments could seize control and challenge its standing as the most powerful in the army (Interview with Chachavalpongpun: 2014). Others assert that important military figures have supported the Yellow Shirts and their anti-Yingluck protests. However, no one in Thailand can openly discuss this problem because of the lese majeste laws. (International Crisis Group: 2014 and Nguyen, Poling and Rustici: 2014, 7). Hence, even the Army is hamstrung by its inability to effectively manage personnel and its relationship to the monarchy.

IV. What Factors explain Public Discontent, leading to Civil Conflict in Thailand?

Thailand is a puzzle. While people may be “content,” the country has many divisions: its people are torn between old money (derived from real estate and manufacturing) and new money (from tourism and new

sectors such as e-commerce); between old and new ideas about who should reap benefits from state largesse (e.g. should the government subsidize farmers or industry?) (Dunn and Bradstreet: 2014; Chachavalpongpun: 2014); and between traditional elites who feel threatened by change and the rising middle class who have benefited from policy changes instituted by both Thaksin and Yingluck Shinawatra. Thailand also has a hidden caste system. Traditional elites among Thailand's longstanding middle class and wealthy believe that Thais from regions outside of Bangkok are inferior; less educated and cannot be trusted to make good decisions in a democracy. However, many Red Shirts are increasingly urban, educated, cosmopolitan, and keen to participate in politics (Farrelly: 2013, 281-282, 290-292 and Nguyen, Poling and Rustici: 2014). Some analysts have concluded that because Thailand's old middle class cannot accept the democratic rule of the Red Shirts and the new middle classes, Thailand contradicts the long-held theory that the middle class foments democracy (Saxer 2012, 9; Unaldi: 2014).

Other analysts such as Saxer and Wheeler argue that although these class divisions are important, they mask the underlying problem of patronage, corruption, and inadequate governance. Thailand's political institutions are built upon a traditional Hindu-Buddhist culture — which emphasizes deference to authority in a hierarchical system, acceptance of one's fate, and avoidance of confrontation. Power brokers in the military and business continue to dole out rewards to subordinates whose loyalty flows to them rather than to state institutions. According to Saxer, "The patrimonial system and its associated corruption undermine courts, independent commissions as well as the military and legislature. These institutions do not uphold the rule of law but instead undermine democracy because people trust kin and known officials more than democracy" (Saxer: 2012, 8, 9). In Thailand, people know their place and their "caste" and many want these divisions to remain (Interview with Wheeler: 2014).

V. The Nature of Repression in Thailand since the 2014 Coup

During and since the coup, the military has used multiple repressive tactics including arbitrary detention; blocking and shutting down of websites and radio stations; restrictions on peoples' speech and their ability to gather; as well as the broad use of lese majeste to discourage free speech, freedom of the press and public gatherings. Many protestors have been sent to "reeducation" programs (Interview with Farrelly: 2014; Amnesty: 2014).

1. Political Repression

The Thai government informed Amnesty International in July 2014 that 471 persons "had been called to report to the Army, of whom 62 did not present themselves and 86 were charged with criminal offense. In September it informed Amnesty that 411 people had been released (Amnesty: 2014, p. 19). Individuals have been warned by the military that they must report to headquarters, where they are often intimidated (McCargo: 11/27/2014). The army uses this strategy as a means of silencing potential critics. Amnesty reported that more than 90% of those summoned were academics, journalists and individuals associated with either the Red Shirts or the Thaksin government (Amnesty, 2014, pp. 22-23). Many detainees were not allowed to communicate with their families or lawyers. At least two people were disappeared and most people who have been detained have been forced to sign a standardized form as a condition for their release. The form states the undersigned was well treated, agreed "not to participate in political activities or

meetings anywhere,” and “agree to be prosecuted and have their bank account frozen” should they breach these two conditions. Some people were detained to force them to pressure their relatives (Amnesty: 2014pp. 23-25; Crisis Group: 2014, 19-21).

Human rights defenders including Thai Lawyers for Human Rights, Amnesty International, and environmental organizations, have been threatened and forced to cancel events which could in any way criticize the junta. The Thai police have been empowered to stop political speech such as wearing red T-shirts. The government has closed media outlets, while censoring, detaining and writing new laws allowing further restrictions of freedom of speech (Amnesty: 2014, 41-43, and 32-33). The military rulers and interim government have warned media outlets that they should not present news about former premier Thaksin Shinawatra after photographs of the former leader cuddling a panda went viral (Channel 4 Asia: 11/3/2014).

a. Use of Lese Majeste as a Tool of Political Repression

The Thai government uses the lese majeste law to suppress public debate about governance, the coup, and the appropriate roles for the military and the monarchy in the 21st century. This law (Criminal Code Article 112) makes it a crime to criticize the monarch. Citizens can receive up to 15 years imprisonment for each offense. The law also allows citizens to initiate lese-majeste complaints against each other. The government is allowed to conduct trials related to lese majeste in secret and prohibit public disclosure of the trial's content. (In 2013, the US Government relied on a local NGO for statistics on lese majeste cases; it found that before 2006, on average the Thai government had some 5 cases yearly. However, it found that by 2013, the government instituted some 30 cases in 2013, 84 cases in 2012, 86 in 2011 and 478 in 2010.) The Thai government contested these statistics, noting that in 2013 it had detained only between 7-18 people under lese-majeste (DRL, Department of State: 2013). On October 14, 2014, National Police Acting Deputy Chief Lt Gen Chakthip Chaijinda said that police aimed at bringing charges in about 50% of the 93 lèse-majesté active investigations by the end of the year. Since May 2014, the human rights organization FIDH reported that 18 individuals had been arrested for allegedly violating lese majeste. Two have been released on bail and five have been sentenced to prison terms for offenses committed before the military coup, with one released on a suspended sentence (FIDH: 2014). Before the end of February 2015, the military-appointed National Legislative Assembly is expected to consider a draft amendment to the 1955 Statute of the Military Court Act, which the government of Prime Minister Gen. Prayuth Chan-ocha submitted on December 9, 2014. Article 46 of the amended law would allow local military commanders to detain civilians for up to 84 days without charge or judicial oversight (HRW: 2/2015). Amnesty also reported that lese majeste pretrial detainees and prisoners have been regularly denied bail and are tried in military courts with no right of appeal (Amnesty: 2014, p. 37).

For example, Amnesty International reported that one writer, Thanapol Eawsakal, was detained and released in May 2014; he was forced to sign a commitment to refrain from political activities. Later that year, he criticized the price of the lottery. He was held for five days and threatened with up to two years in prison (Amnesty 2014, pp. 20-21). In February 2015, two college students were convicted of lese majeste and sentenced to over 2 years in prison for putting on a fictional play. After they were sentenced, some 40 students protested the court decision defying a ban on public gatherings of over 40.

Clearly, the military regime relies on lese majeste to silence dissent. Critics note that many individuals charged under the law have been linked to the Red Shirt movement. Human rights activists and the media cannot write about these issues; they too must censor discussion of cases since even repeating details of charges could be seen as a violation of lese majeste (Hawley: 2/24/2015).

However, many government officials do not understand the parameters of the law. Amnesty reports that the police are uncertain about what exactly the lese majeste law prohibits. Because anyone can file complaints, individuals use it to attack opponents or to serve as a means of vigilante justice and the police are obligated to follow up on such potential violations. Amnesty notes “there are no public guidelines on what constitute an offense. The King and his Privy Council have no legal role in granting permission for complaints to be filed on their behalf” (Amnesty: 2014, 37-38). Thailand’s failure to curb lese majeste may make it harder to thwart the current government’s misuse of the law or to prevent future coups since no one can even discuss the law as a problem.

b. Repression online

Protestors in Thailand have used the Internet to organize protests, often through Facebook. Users often police themselves to ensure that they do not go beyond the allowable behaviors circumscribed by the government (Bunyavejchewin: 2010). To limit political protests, the Thai government blocks some parts of the internet and monitors internet chat rooms and social media. The government enforces limitations on web site content including content that could violate lese-majeste, pornography and gambling. The Computer Crimes Act of 2007 allows the government to imprison internet users or ISP who use proxy servers to access restricted material, post information that is false, or endangers public or national security. With this law, the government can suppress web content, block website or penalize acts of lese majeste committed online. The law also obliges internet service providers to preserve all user records for 90 days. Internet service providers can also be punished for publishing illegal content and hence, they are likely to engage in proactive self-censorship (DRL: 2013; Amnesty: 2014, pp. 37-38). The government formed a panel in June 2014 to monitor and report on unacceptable information online and continues to block websites without providing any means of due process-the ability to appeal filtering or censorship (Amnesty International: 2014, p. 34).

2. Repression of Ethnic Groups

The Thai government uses both political and violent repression against various ethnic groups in Thailand (some are citizens, others are not). The Department of State has reported that the Thai government separates and detains ethnic Rohingya families. The government also discriminates against Chinese and Vietnamese immigrants who reside in 13 northeastern provinces. Under Thai laws, these ethnic groups have restricted movement, residence, education and access to employment (DRL, Department of State: 2013). Some press has reported that the Thai military has helped Rohingya Muslims escape Myanmar, but in so doing have demanded bribes (Szep and Grudgings: 2013).

The Thai government has also been engaged in a civil war against Muslim insurgents in Southern Thailand (the Malay-Muslim majority in the Southern most provinces). These Muslims want more autonomy from the Thai government, although they are not widely supported by the broader Thai public in the region. The

BBC reports that although the insurgents use the language and some of the methods of jihad, the conflict is, at its core about nationalism and not Islam. The insurgency began in 1994 after gunmen raided a military arms depot, stole weapons and killed guards. Muslim insurgents used some of those weapons to attack 11 police posts. The Thai army treated the Muslim communities harshly, often randomly attacking villages (Head: 2/19/2013). The region has been under martial law since 2005 (Amnesty International: 2014, p. 11). Some analysts believe that the Army has not dealt with the insurgency effectively, and while most Muslims do not support the insurgency, the Army's actions have alienated the populace (Interview with Kurlantzick: 2014).

Until recently, the Army fought the Malay Muslim rebels by directly engaging them in battle. However, because many army units were needed throughout the country, it recently replaced army soldiers with paramilitary groups. The paramilitaries wear black uniforms and man check points. These paramilitary units are well armed, but not well trained. The military retains this model because they do not believe the police are up to the task of suppressing the insurgency (Interview with Farrelly: 2014). However, in so doing, the military may lose control and these paramilitaries could act in an unrestrained, undisciplined manner.

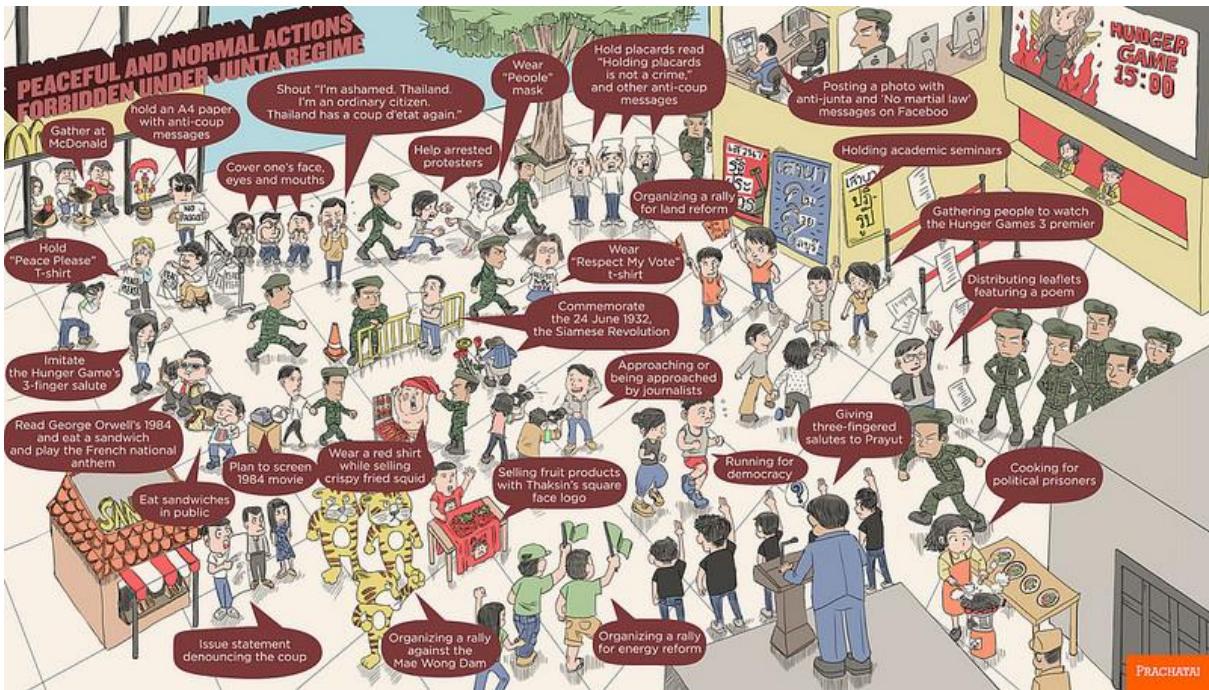
The Shinawatra government had been engaged in peace talks with the insurgents, but the new government put the talks on hold. In November 2014, as the violence continued, the Thai military distributed 2,700 assault rifles to Muslim and Thai volunteers to fight the insurgents (BBC: 11/4/2014). Meanwhile, the militants have stepped up their activities since the coup. General Prayuth has stated that although he may reinstate peace talks, there will be no form of "self-rule" (Crisis Group: 2014 34-35).

3. Violent Repression

As noted above, the Thai military intervened in violent protests in 2010 and 2014. Thai regimes have also engaged in torture, especially in the Southern provinces. The UN Committee against Torture expressed serious concerns about widespread use of torture in Thailand and requested Thailand to report by May 23, 2015 on how it would stop torture. Amnesty received several credible reports of torture since the coup. Lese majeste prisoners were often beaten by prison guards and other prisoners (Amnesty International: 2014, 29-30, 37).

VI. The Thai Public's Response to Repression

Although the military has intervened before and threatened intervention in 2014, neither the Red Shirts nor groups favoring democracy mounted a coordinated anti-coup campaign. Many activists have given up protesting and as noted above, the bulk of Thai people accept and even favor the coup because they prefer stability. Moreover, over time, some Thais have begun to openly criticize the military junta (Prachatai English: 10/12/2014; Kummetha and Areerat: 11/25/2014). According to Prachatai, (which describes itself as an independent nonprofit daily web newspaper, protestors have developed more covert and creative means to express dissent. But government officials have arrested some of these more creative protestors in the hopes of discouraging others.



Source: Prachatai

In recent months Thai protestors have:

1. Displayed blank signs
2. Imitated the *Hunger Games'* (3 fictional books and 4 movies about a rebellion) three-fingered salute or gone in large groups to see the movie
3. Read George Orwell's *1984* novel in public
4. Worn "respect my vote" t-shirts
5. Held placards that read "holding placards is not a crime"
6. Posted photos with anti-junta and "No Martial Law" messages on Facebook
7. Held academic seminars on the political situation

More Thais may take to the streets over time. Although many analysts view the Thai people as content and servile, the Crisis Group expects further political violence. They note that the Thai people are highly polarized and possess lots of guns (16 guns for every 100 residents) (Crisis Group: 2014: 31-33).

VII. The Economic and Political Consequences of Thai Repression

1. Economic Consequences

The recent political violence and coups have not led to economic growth or stability. The Bank of Thailand slashed its projections for 2014 GDP growth from 1.5% to .8%, compared with 2.9% in 2013. In fact, 2014

was the nation's weakest year of growth since 2009. The New York Times reported that household debt is at record levels. People with high debt are less likely to spend and could undermine the country's long term financial security. In addition, fewer tourists are coming, and the country is experiencing a shortage of water. Foreign investors remain leery of Thailand since the coup (Fuller: 2014; Crisis Group: 2014).

The military rulers and the technocrats may not be able to stimulate growth because they have not confronted Thailand's long term problems. Thailand has an aging population, broken educational system and inadequate governance in many regions of the country. While PM Thaksin and Shinawatra provided access to affordable health care and created a transfer system for the poor and the elderly, the generals are reducing funding for these efforts. The Thai bureaucracy is fearful of spending public money, in the belief that doing so is corrupt and is an example of favoritism rather than investment (Cookson and Hoehnk: 2015; Focus Economics: 2015). Thai factory output fell for the 22nd straight month in January 2015 (Reuters: 2/2015). Although Army leaders criticized the previous government subsidies as being corrupt and a form of favoritism, the military government maintained subsidies for rice farmers established under Yingluck. Moreover, in the hope that infrastructure spending could propel growth, the military cabinet approved an eight-year infrastructure development program for 2015-22 (Bangkok Post: 1/5/2015 and Crisis Group: 2014, 25).

Thailand's failure to address its social and political problems has long term economic ramifications, which in turn could lead to further civil conflict. Without strong, independent and effective institutions, Thailand is caught in a middle-income trap. Although unemployment is low, most people work in agriculture and have few job protections. Until recently, these people were not given state assistance to improve their economic and social conditions. Moreover, because Thailand's economy is oriented towards exports and low-wage labor, it has struggled to develop workers and firms with significant technological capacity and higher productivity. The UN Agency UNICEF reports that studies have shown that the learning level of Thai children in major subject areas has declined over the past 10 years. On national tests, average scores for Grade 6 and Grade 12 students in core subjects below 50 per cent (UNICEF: 2014). The Crisis Group argues that notions of public interest, good governance, and accountability are undeveloped (Crisis Group: 2014, 7). Many analysts believe that if the military government cannot stimulate broad based economic growth, the public is likely to take to the streets again. Hence, these analysts are not bullish on Thailand (Cookson and Hoehnk: 2015; Dunn and Bradstreet: 2014).

2. Domestic Political Consequences

The purpose of the Army is to defend the country from foreign attacks. But in Thailand, the Army sees its role as defending the monarchy. In both recent coups, the Army has acted more like a police force than an Army--its focus has become domestic instead of international. Over time, the Army may be less effective as a fighting force with a mission of defending the nation from outside threats.

Moreover, the overuse of lese majeste prevents the royal family and the bureaucracy from gaining feedback loop from their citizens. They have little insights into how the people see their actions, policies and relationships. Moreover, because anyone can make an accusation, it seems likely that some people have made false accusations, while others have self-censored (Streckfuss: 2013, Kinder: 2014). Meanwhile, the

public is also worried about the appropriate role of the monarchy. Small but growing numbers of Thais believe that many members of the monarchy abuse their privileges and flout their wealth. Some even argue that the monarchy, which is supposed to be above politics, is no longer seen as neutral after the Queen presided over the funeral of a Yellow Shirted protestor in 2008 and when the monarchy did not intervene when red shirts were killed by government forces in 2010 (Streckfuss: 2013; Ambassador John: 2010).

3. International Political Consequences

In 2006, the US, EU, and Australia used economic incentives (sanctions) to respond to the coup. But in 2014, they adopted only minor sanctions against senior military leaders. The European Union announced it would suspend all official visits to Thailand and put a planned free trade agreement on hold. The US cut its annual military assistance to the Thai government by more than \$4.7 million.¹ Australia halted its defense-cooperation program and announced a ban on travel visas for the junta. These states have also tried to use dialogue to move the coup leaders to quickly restore democracy. However, they have not taken more dramatic steps because of Thailand's important role in fighting global terrorism and because they fear Thailand would develop closer relations with China (Chachavalpongpun 2014; Parameswaran: 12/2014; Interview with Montesano: 2014; and Interview with Chachavalpongpun: 2014). China has in fact offered significant incentives to the Thai government in recent months including a major rail project and the purchase of agricultural goods (Parameswaran: 12/2014).

The US provides a good example of how difficult it is to maintain political and military relationships with a repressive state. For example, when Daniel Russel, Assistant Secretary of State for Asian Affairs, came to Thailand in January, he firmly criticized Thai actions but made clear that the relationship would transcend and survive the coup. He noted,

“Our relationship with Thailand has been challenged by the military coup that removed a democratically-elected government eight months ago. ...I bring it up with all humility and great respect for the Kingdom of Thailand and for the Thai people. The United States does not take sides in Thai politics. We believe it is for the Thai people to determine the legitimacy of their political and legal processes. But we are concerned about the significant restraints on freedoms since the coup, including restrictions on speech and on assembly... We're also particularly concerned that the political process doesn't seem to represent all elements of Thai society. Now I want to repeat, we're not attempting to dictate the political path that Thailand should follow to get back to democracy or take sides in Thai politics. But an inclusive process promotes political reconciliation, which in turn is essential to long-term stability. ..I'd add that the perception of fairness is also extremely important and although this is being pretty blunt, when an elected leader is removed from office, is deposed, then impeached by the authorities -- the same authorities that conducted the coup -- and then when a political leader is targeted with criminal charges at a time when the basic democratic processes and institutions in the country are interrupted, the international community is going to be left with the

¹ Thailand is not on the official US, EU or Australia sanctions lists. <http://www.treasury.gov/resource-center/sanctions/Programs/Programs.aspx>; <http://englishnews.thaipbs.or.th/eu-sanctions-thailand> and <http://europeansanctions.com/eu-sanctions-in-force/>; <http://www.dfat.gov.au/international-relations/security/sanctions/sanctions-regimes/Pages/sanctions-regimes.aspx>; and <http://www.sanctionswiki.org/Thailand>

impression that these steps could in fact be politically driven. Ending martial law throughout the country and removing restrictions of speech and assembly - these would be important steps as part of a generally inclusive reform process that reflects the broad diversity of views within the country. And we hope that the results of that process will be stable democratic institutions that reflect and respond to the will of the Thai people" (Russell: 2015).

Although Russell's words were gentle but firm, they were seen as an insult by the Thai leadership. The Army has been very concerned about how it is perceived internationally (Interview with Farrelly: 2014 and Interview with Montesano: 2014). General Prayuth Chan-o-cha replied that the coup was staged to save democracy and that martial law would not be lifted because it could lead to political disturbances. Chan-o-Cha declared that "Thai democracy will never die, because I'm a soldier with a democratic heart. I have taken over the power because I want democracy to live on." He contended that Thailand was the only country where the military staged a coup to restore democracy (Parameswaran: 2/5/2015).

Despite this public spat, the US and Australia (and other democracies) fully participated in the annual Cobra Gold exercise where the armed forces of some 30 nations conducted joint training. Cobra Gold has traditionally included three main parts – field exercises, humanitarian exercises, and staff planning exercises (Parameswaran, 2/5/2015). In so doing, the US (and these other nations) revealed they would continue to cooperate with the Thai army despite repression.

VIII. Will repression continue in the near future?

Many analysts believe that the country will gradually return to free elections, albeit with a rigged constitution and parliament (Dunn and Bradstreet: 2014; Nguyen, Poling and Rustici: 7/2014). However, few believe that the coup is likely to create long term stability or solve Thailand's core problems of corruption, inadequate and unrepresentative governance (Nguyen, Poling and Rustici: 2014 and Saxon: 2014).

IX. Thailand Repression, Civil Conflict and Leadership Tenure: Lessons from Thailand

The Thai case reveals:

Q1. Do citizens respond differently when confronted with political repression, violent repression or a mix of repressive tactics?

- *In 2006, Thais used both peaceful and violent protests to push for change. They responded to political repression with political protests. When government leaders used violence, protestors generally engaged in peaceful protest (with some violence).*
- *In 2014, the Yellow Shirts used both peaceful and violent protests against the democratically elected government. When Yellow Shirts started to use violence against Red Shirt protestors, the government used violence against both Red and Yellow shirts. In general, the protestors responded peacefully to violent protests.*
- *Since the 2014 coup, the regime has relied on political repression. While some continue protests, most Thais have accepted the coup and political repression. The bulk of protestors have stopped protesting. However, if the economy*

continues to stagnate the Thai people may again take to the streets. Public revulsion at violent protests and violent repression has made violence a strategy of last resort both for the protestors and the regime.

Q2. Do officials use different types of repression in response to different types of civil conflict?

- *Yes, the Army generally uses political repression, but at times has employed violence, killing both violent and peaceful protestors. The Army argues that it intervenes to prevent more violence and instability. The armed forces are also actively intervening online to prevent protestors from coordinating. The army has learned from experience that violent repression can backfire and inspire more protest. Unfortunately, they seem to have found a “sweet spot” for repression.*

Q3. Does the use and type of repression (whether political, violent or some combination) increase the likelihood that rulers retain power?

- *Throughout the 20th century to the current coup, the Army has relied on political repression to control the levers of government, maintain its close relationship with the monarchy and to keep the monarchy in power. However, the military has used violent repression and killed or “disappeared” protestors.*
- *Violent repression has led to public revulsion, so the Army has learned to rely generally on political repression. The Thai public appears willing to accept political repression because it maintains stability. But they may not remain quiet if the economy continues to stagnate. Moreover, the army’s use of repression may undermine the effectiveness and popularity of the coup.*
- *The Army’s reliance on lese majeste prevents a much needed debate about how to govern Thailand—a catch 22. We believe that Thailand’s inability to hold a full and honest political debate prevents democracy and prevents the system from effectively serving all of its citizens. The Army retains control to prevent the Yellow and Red Shirts from constant power struggle. Moreover, it may undermine the effectiveness of the Army as a fighting force, as the Army spends much of its time policing Thailand and protecting its privileged relationship with the monarchy instead of protecting the nation from foreign threats.*

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